

DEPARTURE REPORT

When to Complete: This report should be completed by the judge when (a) the disposition differs from the presumptive disposition; (b) the sentence length imposed differs from the presumptive sentence length; or (c) when the disposition and duration differ from the presumptive disposition and duration provided in the guidelines.

Offender Name: Record the name of the offender as it appears on the *Judgment and Commitment or Judgment and Disposition form*.

County #: The uniform identification number for each county. This number is used in conjunction with the Circuit Case Number as the complete record identifier for this case.

Judge Name: The name of the judge completing the Departure Report.

Circuit Court Case #: The number used for filing cases in the circuit court.

Reasons for Departure: In making decisions about departing from the guidelines, and in writing reasons for departures, judges should consult A.C.A. 16-90-804 (Supp. 1993)

If the departure reasons were stated in open court, a certified transcript of the reasons given may be attached to this report in lieu of listing the reasons.

Reasons stated for departure should be brief, but specific. They should distinguish the unusual nature of the current case, and indicate why the departure is more appropriate, fair, or equitable than the presumptive sentence.

Decisions with respect to sentencing disposition and sentence duration are logically separate. Departures with respect to disposition and duration are logically separate. A judge may depart from a presumptive disposition without departing from the presumptive duration, or vice-versa. If a judge departs from both a presumptive disposition and presumptive duration, two departure decisions have been made, each requiring written reasons. Reasons for both decisions should be given on a single Departure Report.

Distribution: White: Court File; Blue: Arkansas Department of Corrections for those committed to that institution; Green: Arkansas Sentencing Commission, 101 East Capitol, Suite 450, Little Rock, AR 72201; Goldenrod: Prosecutor; Pink: Defense Attorney.

